

THE STATE OF TEXAS

COUNTY OF KENDALL BE IT REMEMBERED, that the Commissioners' Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, and via Zoom on the 26th day of February 2024.

Present: SHANE STOLARCZYK, COUNTY JUDGE
CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
ANDRA WISIAN, COMMISSIONER, PCT. #2
RICHARD CHAPMAN, COMMISSIONER, PCT. #3
CHAD CARPENTER, COMMISSIONER, PCT. #4
MARIA CANO, DEPUTY COUNTY CLERK

1. Call to Order - 9:05 a.m.
2. Pledge of Allegiance to the United States and Texas flags.
3. Comments from the bench to share items of community interest as allowed under and limited by Texas Government Code Section 551.0415.
Commissioner Christina Bergmann, Precinct 1, Commissioner Andra Wisian, Precinct 2, Commissioner Chad Carpenter, Precinct 4 and Shane Stolarczyk, County Judge
4. Declarations of Conflict of Interest - none
5. Consent Agenda:
Items on the Consent Agenda are considered to be of a routine nature and may require only limited discussion. All items under the Consent Agenda are heard and acted upon collectively unless opposition is presented. Any member of the Commissioners Court may request that an item be removed from the Consent Agenda and considered separately for the purpose of discussion and voting.
 - a. Consideration and action to approve the Commissioners Court Minutes for the February 12, 2024 Regular Meeting
 - b. Consideration and action on the approval of amending the FY2024 budget through regular budget adjustments and certification of new revenue (attached)
 - c. Consideration and action to declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction (attached)
 - d. Consideration and action to approve January Fee Office Reports
 - e. Consideration and action to approve the Investment Report 1st Quarter 2024 (October, November December) (attached)

THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the consent agenda for February 26, 2024.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

6. February 2024 Service Awards

Raul Gonzales	Sheriff's Office	5 Years
Aaron Ramirez	Sheriff's Office	5 Years
Glyn Will Suttle	Parks Department	5 Years

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept proclaiming March 2024 as American Red Cross Month in Kendall County. (attached)

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 5-0.

8. PUBLIC COMMENTS: Ben Eldredge, Don L Evans, Terri Holcombe, Julianna Lindner, Alexandria Rudd, Jeff Boerner, and Katy Boerner.

The following person spoke during item #18: Eric Scheibe, Scheibe Consulting

9. No action was taken on reinstating the Burn Ban. It is still off.

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the accounts payable claims for purchases, services, and vendors as presented.

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, and carried by a vote of 5-0.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve solicit bids for Road Material Hot Mix, Hot Lay Asphalt Concrete Payment for the Road and Bridge Department for FY2024.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the 2023 Racial Profile Report for the Kendall County Sheriff's Department. (attached)

Motion was made by Commissioner Bergmann, seconded by Commissioner Wisian, and carried by a vote of 5-0.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the letter of permission from the Kendall County Youth Agriculture & Equestrian Center for beer, wine, and liquor to be sold at the center during the Boerne Education Foundation Rock on Gala to be held on March 23, 2024 with the provision that servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission.

Motion was made by Commissioner Wisian, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the Agreement for Courthouse Security System Installation Services to increase the amount by \$487.42 to purchase additional camera licenses.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

15. Jason Parker Facilities Manager, gave the court an update about the Facilities Department.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt a Countywide Open Records Policy as outlined. (attached)

Motion was made by Commissioner Wisian, seconded by Commissioner Chapman, and carried by a vote of 5-0.

17. This item concerning amending the plat of the Heartland at Tapatio was withdrawn.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an increase in the County match up to 25% for the county-wide drainage plan.

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 5-0.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request for relief from the setback requirements in Chapter 5.2A of the Development Rules and Regulations. Relief is being requested for an existing structure to encroach into the 25-foot side setback approximately seven feet.

Motion was made by Commissioner Carpenter, seconded by Commissioner Wisian, and carried by a vote of 5-0.

20. Commissioner Richard Chapman, Precinct 3, and Nate Lickteig Engineering Department/911 Coordinator gave a presentation on the Kendall County Capital Improvement Plan.

21. Mary Ellen Schulle, County Engineer, updated the Court on ongoing projects within the County.

At 10:53 a.m. the Court recessed Open Session, took a break and went into Executive Session.

- I. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.072 (Real Property) the deliberation of the purchase, exchange, or lease or value of real Property. (Note: The deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)**
- 1. Discussion regarding the purchase of office/ warehouse/ and other space for the county**
- II. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.074 (Personnel Matters), consultation with legal counsel to seek the advice of attorney(s) representing the County concerning pending and/or threatened litigation, settlement offers, and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications.**
- 1. Potential litigation- Development Regulation**
 - 2. Discussion on Eclipse planning**
 - 3. County Fire Department Personnel**
 - 4. Duties and responsibilities of Fire Marshal Office**
 - 5. Duties and responsibilities of the County Judge, Commissioners, General Counsel, and Development Staff**
 - 6. Duties and responsibilities of the County Auditor**
 - 7. Courthouse Security Policy and Updates- Tex. Gov't Code Ann. §418.181 Confidentiality of Certain Information Relating to Critical Infrastructure**
 - 8. County Engineer Application Process**
 - 9. Proposition A Committee**
 - 10. Well Monitoring**
 - 11. George Hyde Employment Contract**

At 4:19 p.m. the Court closed Executive Session and resumed Open Session.

II-1 THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to order authorizing Kendall County hiring Schmoyer Reinhard LLP as outside counsel authorizing outside counsel to file suit and approving necessary expenses incurred by Kendall County.

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, and carried by a vote of 5-0.

II-2 THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, in light of the April 8, 2024 eclipse, whereas many schools and children's day-care facilities will be closed resulting in county employees not having childcare, and whereas heavier than usual traffic may impede transportation into and out of the County seat and other county offices, I move that the Commissioners Court declare April 8 a County holiday.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 3-2. Motion passes with Judge Stolarczyk, Commissioner Bergmann, and Commissioner Carpenter voting in favor and Commissioner Wisian, and Commissioner Chapman voting against.

Being no further business, the meeting was adjourned at 4:21 p.m.

EXAMINED AND APPROVED THIS 11TH DAY OF MARCH 2024.

/s/ Shane Stolarczyk
COUNTY JUDGE
KENDALL COUNTY, TEXAS

ATTESTED: /s/ Denise Maxwell
COUNTY CLERK
KENDALL COUNTY, TEXAS

The Court reserves the right to adjourn, by majority vote, into Executive Session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075, 551.076, 551.087, and 551.089 or to seek the advice of its attorney and/or other attorneys representing Kendall County on any matter in which the duty of the attorney to the Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code or as otherwise may be permitted under chapter 551. Action, if any, will be taken in the open session.

This agenda has been reviewed and approved by the Court's legal counsel. This paragraph is intended to constitute a legal opinion of the Court's legal counsel that the presence of any subject in and Executive Session portion of the agenda is properly noticed pursuant to the Texas Open Meetings Act. This constitutes an interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by that attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to that attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.